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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,443	03/24/2004	David A. Kesselman	GRM315US	3361

21302 7590 12/12/2007
KNOBLE, YOSHIDA & DUNLEAVY
EIGHT PENN CENTER
SUITE 1350, 1628 JOHN F KENNEDY BLVD
PHILADELPHIA, PA 19103

EXAMINER

DANIELS, MATTHEW J

ART UNIT	PAPER NUMBER
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1791

MAIL DATE	DELIVERY MODE
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12/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/807,443	Applicant(s) KESSELMAN ET AL.	
	Examiner MATTHEW J. DANIELS	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 12-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchard (USPN 3667888). **As to Claim 12**, Blanchard teaches providing a first cutting arrangement from in a pocket formed by complementary recesses (items 11, 12 in Fig. 2) of first and second mold halves (items 1 and 2 in Fig. 2), the first cutting arrangement being a pinch bar arrangement (Fig. 2, items 8, 9, also 6:6-21), wherein the pocket extends over the first and second mold halves (items 11 and 12, Fig. 2). Blanchard also teaches providing a second cutting arrangement which is a blade arrangement (Fig. 10, items 8, 9) onto the mold in the pocket formed by the complementary recesses (see the pocket holding items 8 and 9 in fig. 10).

Blanchard is silent to removing the pinch arrangement and replacing it with the blade arrangement. However, Blanchard teaches that both devices are used on the same mold having the same shape and bottom recess (items 1 and 2 in Figs. 2 and 10). Thus, Blanchard's method suggests to the ordinary artisan that the pinch bars and blade arrangement may be used interchangeably, and in doing so, it would have been prima facie obvious to replace the pinching device for the blade device. **As to Claim 13**, Blanchard's device provides complimentary blade and bed blades in the recess (Fig. 10, items 8, 9). **As to Claim 14**, it will be the Examiner's position firstly that Blanchard provides magnetic attachment, which is interpreted as a "friction-

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fit" surface, the friction being increased by the magnetic force. Secondly, Blanchard teaches a pin (16 in Fig. 4, also see "pin" at 5:14). **As to Claim 15**, the claim limitation appears to be drawn to a particular order of assembly or disassembly. However, Blanchard teaches generally that the mold cutting devices may be used interchangeably. Additionally, it has generally been held that any order of performing process steps disclosed by the prior art is prima facie obvious in the absence of unexpected results. See MPEP 2144.04(IV)(C) and *Ex parte Rubin*, 128 USPQ 440 (Bd. App. 1959) (Prior art reference disclosing a process of making a laminated sheet wherein a base sheet is first coated with a metallic film and thereafter impregnated with a thermosetting material was held to render prima facie obvious claims directed to a process of making a laminated sheet by reversing the order of the prior art process steps.). See also *In re Burhans*, 154 F.2d 690, 69 USPQ 330 (CCPA 1946) (selection of any order of performing process steps is prima facie obvious in the absence of new or unexpected results). Here, any order of assembly and disassembly would have been prima facie obvious over Blanchard's teaching that the two cutting devices (pinching elements and blade) are interchangeable. **As to Claims 16 and 17**, the blade arrangement fits substantially within the pocket (Fig. 10), and both arrangements (pinch and blade) are substantially the same width, namely the width of the mold (compare Figs. 4 and 5 with Figs. 8 and 10)

2. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchard (USPN 3667888) in view of Hafele (USPN 3806300). Blanchard teaches the subject matter of Claim 12 above under 35 USC 103(a). **As to Claim 14**, Blanchard appears to be silent to a screw. However, screws are conventional means for attachment to a mold, and are taught by

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Hafele (item 26 in Fig. 3A-5A). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Hafele into that of Blanchard in order to prevent vertical movement of the blade or pinching elements using a screw, which would be desirable in the method of Blanchard.

Response to Arguments

3. Applicant's arguments filed 17 September 2007 have been fully considered but they are not persuasive. The arguments appear to be on the following grounds:

- a) The fact that the disclosure of the Blanchard reference distinguishes between blades and pinching edges makes it clear that the blades cannot be properly interpreted as a pinch bar arrangement that has a cutting function.
- b) In the second embodiment of Figs. 7-13, the blades are provided therebetween with a slight counter-rake. The parison undergoes a certain deformation so as to engage the counter rake.
- c) In both embodiments, there is no cutting function.

4. These arguments are not persuasive for the following reasons:

- a-c) Applicant's arguments appear to argue against the plain meaning of the terms disclosed in the Blanchard reference by appearing to assert that because Blanchard uses "blades" 8 and 9, that there can be no pinch bar arrangement with a cutting function. In some embodiments, the devices of Blanchard have both pinching and cutting functions (4:66-67). Replacement of a first pinching blade with a cutting function with a second pinching blade with a cutting function would read on the claimed invention. There is no requirement in the claim that a blade and pinch

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"bar" are mutually exclusive. In other embodiments, however, the bottom scrap can be removed without resorting to any blade system (6:6-8) by crushing the parison between projections (6:10-15). This would appear to be interpreted as only a pinch bar arrangement.

The reference establishes at least that pinching and cutting arrangements are both well known and interchangeable tools for removing scrap from a parison. Furthermore, the reference establishes that it is known to make these portions separable from the molds themselves. In view of these teachings, it would have been obvious to substitute or replace one with the other to provide the same function, namely removal of the scrap from the parison.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. DANIELS whose telephone number is (571)272-2450. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJD 12/7/07



CHRISTINA JOHNSON
SUPERVISORY PATENT EXAMINER